



Tom Lantos Human Rights Commission

Judicial Independence in Central America

Wednesday, June 9, 2021

12:00 noon – 2:00 p.m.

Virtual via Zoom for Government

As prepared for delivery

Good afternoon and welcome to this Tom Lantos Human Rights Commission hearing on the state of judicial independence in Central America.

I extend a special welcome to our witnesses who I will introduce shortly and to Co-Chair Smith.

Congresswoman Norma Torres, a member of the executive committee of the Human Rights Commission, will be joining us soon and I look forward to her participation

One housekeeping note: this hearing has a hard stop at 2:00 p.m. today. I ask my colleagues and all of our witnesses to limit their remarks to 5 minutes in keeping with usual House practice so we can make sure to have plenty of time for questions and answers.

The issue we will examine today is not new.

The United States has sought to strengthen Central American judiciaries since the 1980s. Between fiscal years 2010 and 2020, U.S. government agencies obligated more than \$634 million to support legal and judicial development and anti-corruption organizations and institutions in Central America. Most of the funds were allocated to the three countries of the Northern Triangle: El Salvador, Honduras and Guatemala.

The U.S. did this because we have known for a long time that the judicial systems in the region worked mostly to protect the interests of powerful elites, while serving as instruments of repression for the majority of citizens.

We did this to combat the entrenched impunity that has fed grave human rights abuses and corruption for decades.

We did this because we understand that strong judicial systems with truly independent investigators and prosecutors are essential for fair and just governance. The role they play in protecting human rights is irreplaceable.

Some progress was made. For example, between fiscal years 2017 and 2019, USAID reported that the number of convictions by U.S.-supported prosecutors increased three-fold in El Salvador and Guatemala, and ten-fold in Honduras.

But, as we will hear today, what we're seeing now is dramatic backsliding.

The international anti-corruption institutions CICIG and MACCIH that inspired so much hope for thousands of people in Guatemala and Honduras have been dismantled. In El Salvador CICIES is on its way to the same fate.

Brilliant, committed judges and prosecutors – often women — are subjected to unending baseless legal complaints and have been forced to flee their countries. I'm thinking of Claudia Paz y Paz who is a witness today. I'm thinking of Claudia Escobar, Thelma Aldana, Douglas Melendez, and most recently, Gloria Porras.

Constitutional courts are being re-made to cater to the whims of authoritarian leaders looking to eliminate any semblance of democracy. And I'm not just talking about Nicaragua. Guatemala's slow-motion stacking of its constitutional court is essentially no different than El Salvador's mass dismissal of constitutional court magistrates.

And civil society leaders, whose commitment to human rights and democracy is such an important driver for positive change, are also facing increasing threats and attacks.

Some, like Berta Cáceres, have been murdered. The trial of David Castillo for Berta's murder is taking place right now, and it is a crucial test case of whether any judicial independence remains in Honduras.

Others like Helen Mack in Guatemala are being inundated with trumped up legal charges in a thinly-disguised effort to delegitimize her.

Let me be clear: we see through this stuff.

We know these human rights organizations and civil society leaders. We know the investigators, prosecutors, judges and ombudsmen.

They are not the Central Americans being investigated in New York and Miami for drug-trafficking and being sanctioned for corruption and human rights violations. They are not the ones lining their own pockets at the expense of the people they're supposed to be governing.

I am glad that the Biden administration is talking about human rights as a centerpiece of U.S. foreign policy.

I welcome the creation of the new anti-corruption task force for Guatemala and expect it means the end of efforts to dismantle FECI and the high risk courts.

I support USAID's decision to take funds away from the Salvadoran institutions that Mr. Bukele just gutted and re-direct them to civil society instead.

But I think we can all agree that these steps are barely a start.

We need an entirely new strategy toward the region that truly prioritizes human rights and rule of law as indispensable conditions for ending poverty, hunger and hopelessness. That is the only way we will bring an end over time to forced migration.

Restoring judicial independence is a key pillar for that new strategy. The organizations we will hear from today bring recommendations on how to accomplish that and I look forward to hearing them. We will also include in the record guidance from the Inter-American human rights system and additional recommendations from the Due Process of Law Foundation.

Again, welcome, and I turn now to Co-Chair Smith.